

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

THOMAS MESSERSMITH and SARA  
MESSERSMITH, Husband and wife,

Plaintiffs,

vs.

BRENT PETERSON, D.O.,

Defendant.

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Case No. 8:04CV390

ORDER OF DISMISSAL

This matter comes before the Court upon the Joint Stipulation and Motion for Dismissal with Prejudice of the parties. Upon due consideration thereof, the Court finds that the Stipulation complies with the requirements of Fed. R. Civ. P. 41(a)(1)(ii), and it should be approved. Accordingly,

IT IS ORDERED:

1. The Joint Stipulation and Motion for Dismissal with Prejudice (Filing No. 28) is granted;
2. The Amended Complaint and all claims in this action are dismissed with prejudice; and
3. The parties shall pay their own costs and attorney's fee unless otherwise agreed by and between them.

DATED this 10<sup>th</sup> day of November, 2005.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge